

## Legislation Text

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**File #:** 220950, **Version:** 0

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Authorizing the striking from City Plan Nos. 40-S, 47-S, 48-S, 53-S, and 56-S and abandonment of certain rights-of-way reserved for water and gas main purposes, located along the former Lanier Avenue from Penrose Avenue to former Schuylkill Avenue and located along the former Schuylkill Avenue from Lanier Avenue to Passyunk Avenue, under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Pursuant to Section 11-403 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to:

- a) Strike from City Plan No. 53-S and abandon a certain right-of-way reserved for water and gas main purposes located along the former Lanier Avenue from Penrose Avenue to former Schuylkill Avenue; and
- b) Strike from City Plan Nos. 40-S, 47-S, 48-S, 53-S, and 56-S and abandon a certain right-of-way reserved for water and gas main purposes located along the former Schuylkill Avenue from Lanier Avenue to Passyunk Avenue.

SECTION 2. This authorization is conditional upon compliance with the following requirements within ten (10) years from the date this Ordinance becomes law:

- a) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, to release the City from all damages or claims for damages which may arise by reason of the City Plan changes authorized herein; in lieu thereof, only after the party in interest has demonstrated best efforts to obtain such agreements and such efforts are unsuccessful, the party in interest shall file an agreement and a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, to release the City as aforesaid;
- b) The filing of an agreement, satisfactory to the City Solicitor, by the party in interest, to release, indemnify, and defend the City from all damages or claims for damages that may arise by reason of the City Plan changes authorized herein;
- c) The party in interest shall file a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, in an amount satisfactory to the Water Department, to cover the cost of any work which may be necessary in the judgment of the Water Department by reason of the City Plan changes authorized herein; and
- d) The payment by the party in interest of the cost of advertising the public hearing by the Board of Surveyors on the City Plan changes authorized by this Ordinance.

SECTION 3. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within one hundred and twenty (120) days after this

Ordinance becomes law.